

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>GABRIEL BURRESS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-15-439-R</b>
	)	
<b>POTTAWATOMIE COUNTY</b>	)	
<b>PUBLIC SAFETY CENTER, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

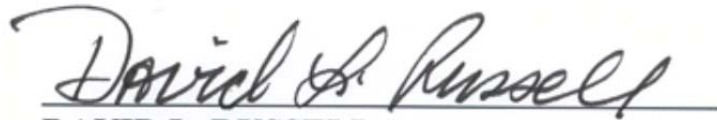
Plaintiff filed a complaint alleging “civil rights violations” and seeking “[e]ach charge on [his] record to be overturned and [r]emoved from [his] record as well as [f]inancial compensation for the time in jail/prison, [m]ental stress, and lost wages w/loss of [j]ob opportunity.” Doc. No. 1, at 6, Ex. 1, at 1. Before the Court is the Report and Recommendation of United States Magistrate Judge Shon T. Erwin, Doc. No. 13, Plaintiff’s motion to appoint counsel, Doc. No. 16, and Plaintiff’s motion for an extension of time to respond, Doc. No. 17. The motion to appoint counsel is DENIED.<sup>1</sup> Judge Erwin recommends dismissing the complaint for failure to comply with Rule 8, and giving Plaintiff twenty days to file an amended complaint. Doc. No. 13, at 6. Plaintiff states in his motion for an extension of time that he is “seeking to [a]mend the complaint, yet need[s] money to pay for copies to review specific given info as to the detail of the

---

<sup>1</sup> See *Swazo v. Wyoming Dep’t of Corr. State Penitentiary Warden*, 23 F.3d 332, 333 (10th Cir. 1994) (“We agree with the district court to the extent that there is no constitutional right to counsel beyond the appeal of a criminal conviction, and that generally appointment of counsel in a § 2254 proceeding is left to the court’s discretion.” (citations omitted)).

[a]mendment.” Doc. No. 17, at 1.<sup>2</sup> The undersigned has reviewed the Report and Recommendation and finds no basis therein for rejecting the well-reasoned decision of the Magistrate Judge. As such, the Report and Recommendation is hereby ADOPTED, with the following changes. Plaintiff’s motion for an extension of time is GRANTED; he shall have until Friday, October 2, 2015 to file an amended complaint that corrects the deficiencies noted in the Report and Recommendation. If Plaintiff does not file an amended complaint by that date, his complaint will be dismissed for failure to comply with the pleading requirements of Rule 8.

IT IS SO ORDERED this 21<sup>st</sup> day of August, 2015.

  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE

---

<sup>2</sup> Because Plaintiff seeks to file an amended complaint and acknowledges in his motion “the [f]aultiness of [his] record,” Doc. No. 17, the Court construes Plaintiff’s motion as a request for an extension of time to file an amended complaint, not as a request for an extension of time to object to the Report and Recommendation.